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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,424	08/30/2001	Avi Kliger	TIA-001	7853
20741 7590 05/30/2007 HOFFMAN WASSON & GITLER, P.C CRYSTAL CENTER 2, SUITE 522 2461 SOUTH CLARK STREET ARLINGTON, VA 22202-3843			EXAMINER NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/943,424	Applicant(s) KLIGER ET AL.	
	Examiner Steven H.D Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/03, 9/05, 10/04, 2/04, 4/02, 2/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of a group IV in the reply filed on 3/5/07 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 50-55 and 57-58 rejected under 35 U.S.C. 102(b) as being anticipated by James (USP 5052029).

Regarding claim 50, James discloses a method for communicating over the coax backbone (Fig 1, Ref 20) between network modules (Fig 1, Ref 10), the method comprising transmitting a cycle start burst over the backbone to start a transmission cycle during which the network modules transmit bursts over the backbone (Fig 2, Ref 60); allocating a first portion of the transmission cycle for the transmission of isochronous bursts by the network modules (Fig 2, Ref 7); and allocating a second portion the transmission cycle for the transmission of asynchronous bursts by the network modules (Fig 2, Ref 80).

Regarding claim 51, James discloses establishing a transmission order for the network modules to follow when transmitting isochronous bursts over the backbone (Col. 5, lines 5-11).

Regarding claim 52, James discloses the cycle start burst includes the transmission order (Fig 2, Ref 60).

Regarding claim 53, James discloses establishing a transmission order for the network modules to follow when transmitting asynchronous bursts over the backbone (Fig 2, Ref 80).

Regarding claim 54, James discloses the cycle start burst includes the transmission order (Fig 2, Ref 60).

Regarding claim 55, James discloses determining that the transmission cycle has ended and allowing transmission of an asynchronous burst to complete after the end of the transmission cycle (Fig 2).

Regarding claim 57, James discloses designating one of the modules to be a master network module, and wherein the master module transmits the cycle start burst (Fig 3, Ref 120).

Regarding claim 58, James discloses synchronizing the network modules to the cycle start burst (Fig 3, Ref 120).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 56, 59-60, 63 rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Roy (USP 6831899).

Regarding claims 56, 59-60 and 63, James does not disclose determining those network modules that are requesting bandwidth for transmitting isochronous bursts; allocating bandwidth in the first portion of the transmission cycle to each network module requesting a guaranteed quality of service; monitoring, by a given network module, isochronous bursts on the backbone

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to determine when that network module can transmit an isochronous burst and transmitting a registration start burst. In the same field of endeavor, Roy discloses an IRM is used to determine and assigned the bandwidth for node in the first cycle (Col. 10, lines 8-28) and transmitting a registration start burst (Col. 9, lines 29-47).

Since a method for assigning bandwidth for a node being well-know and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method for assigning the bandwidth for node based on a request and transmitting a registration start burst as disclosed by Roy into the teaching of James. The motivation would have been to improve throughput of isochronous mode.

6. Claims 61-62 and 64-65 rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Edens (USP 6611537).

Regarding claims 61-62, James does not disclose monitoring, by a given network module, asynchronous bursts on the backbone to determine when the given network module can transmit an asynchronous burst by issuing a grant to the given network node. In the same field of endeavor, Edens discloses a method and system for determining when a node can transmit async packet by receiving a grant (Col. 5, line 63 to col. 6, line 5).

Since, a method for determining which node can be transmitted during the async period is well knows and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method for determining which node can transmit during the async period by issuing a grant to the given node as disclosed by Edens into the teaching of James. The motivation would have been to prevent data loss.

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Regarding claims 64-65, James fails to disclose transmitting, by a given network module, an empty burst if the given network module has no data to transmit during the second portion of the transmission cycle and transmitting, by a given network module, a self-train burst. However, the examiner takes an official notice that a method and system for transmitting a null packet when it has no data to transmit and transmitting a symbol a few time “self-train” are well-know and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply these methods into James’ method. The motivation would have been to easy to synchronize with the network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H.D Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Welling Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven H.D Nguyen
Primary Examiner
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